

EXHIBIT A

EXHIBIT A

Intentionally Omitted

EXHIBIT B

MILBANK, TWEED, HADLEY & McCLOY LLP
Gregory Evans (State Bar No. 147623)
601 South Figueroa Street, 30th Floor
Los Angeles, California 90017
Telephone: (213) 892-4000
Facsimile: (213) 629-5063
gevans@milbank.com

MILBANK, TWEED, HADLEY & McCLOY LLP
Christopher E. Chalsen (*Pro Hac Vice to be filed*)
Michael M. Murray (*Pro Hac Vice to be filed*)
Lawrence T. Kass (*Pro Hac Vice to be filed*)
Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000
Facsimile: (212) 530-5219
cchalsen@milbank.com
mmurray@milbank.com
lkass@milbank.com
Attorneys for Plaintiffs,
FUJITSU LIMITED and
FUJITSU MICROELECTRONICS AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FUJITSU LIMITED, a Japanese
corporation, and FUJITSU
MICROELECTRONICS AMERICA,
INC., a California corporation,

Plaintiffs,

v.

NANYA TECHNOLOGY CORP., a
Taiwanese corporation, and NANYA
TECHNOLOGY CORP. U.S.A., a
California corporation,

Defendants.

CASE NO. CV-06-

COMPLAINT FOR PATENT
INFRINGEMENT AND
DECLARATORY JUDGMENT

DEMAND FOR JURY TRIAL

COMPLAINT

1 Plaintiff Fujitsu Limited ("Fujitsu") and Fujitsu Microelectronics
2 America, Inc. ("Fujitsu America") (collectively, "Plaintiffs"), for their complaint
3 against Defendants Nanya Technology Corp. ("Nanya") and Nanya Technology
4 Corp. U.S.A. ("Nanya USA") (collectively, "Defendants"), aver as follows:

5 **THE PARTIES**

6 1. Fujitsu is a corporation organized and existing under the laws
7 of Japan. Fujitsu is a leading researcher, designer, manufacturer, and provider of
8 information technology and communications products and services. As a result of
9 its innovation, Fujitsu has been awarded various patents relating to computer
10 memory products such as double-data-rate synchronous dynamic random access
11 memory (DDR SDRAM) chips.

12 2. Fujitsu America is a wholly owned subsidiary of Fujitsu, and is
13 a California corporation with headquarters and principal place of business at 1250
14 E. Arques Avenue, M/S 333, Sunnyvale, California 94088-3470.

15 3. Defendant Nanya is a corporation organized and existing under
16 the laws of Taiwan, having its principal place of business at Hwa-Ya Technology
17 Park 669, Fu Hsing 3rd Rd., Kueishan, Taoyuan, Taiwan, Republic of China.
18 Upon information and belief, Nanya manufactures products, including the memory
19 chips accused of infringement in this Complaint, for sale and importation into the
20 United States directly through its own actions and indirectly by Defendant Nanya
21 USA.

22 4. Defendant Nanya USA is a corporation organized and existing
23 under the laws of the State of California, having its principal place of business at
24 675 East Brokaw Road, San Jose, CA 95112. Upon information and belief, Nanya
25 USA is a wholly-owned subsidiary of Defendant Nanya, and has sold or sells
26 products manufactured by Nanya or Nanya USA, including the memory chips
27 accused of infringement in this Complaint, to customers in the State of California
28 and elsewhere in the United States. Upon further information and belief, the

1 accused memory chips are incorporated by customers of Nanya or Nanya USA,
2 who are manufacturers of computers and other electronic devices, into computers
3 and other electronic devices sold in the State of California, including customers
4 located in this judicial district.

5 JURISDICTION

6 5. This is an action arising under the Patent Laws of the United
7 States, Title 35 of the United States Code and the Declaratory Relief Act. This
8 Court has subject matter jurisdiction over this action under 28 U.S.C. § 1338(a),
9 which confers jurisdiction over cases of patent infringement, 28 U.S.C. § 1331,
10 which confers federal question jurisdiction and 28 U.S.C. § 2201(a), which confers
11 jurisdiction over declaratory judgment actions.

12 6. This Court has general personal jurisdiction over Nanya USA
13 because Nanya USA is incorporated under the laws of the State of California and
14 has its principal place of business in San Jose, California.

15 7. This Court has personal jurisdiction over Nanya and Nanya
16 USA under California Code of Civil Procedure § 410.10, *inter alia*, on the basis
17 that upon information and belief, Nanya and Nanya USA have sold, and continue
18 to sell infringing memory chips to manufacturers of computers and other electronic
19 devices in this District and elsewhere in the United States, who in turn have sold
20 and continue to sell computers and other electronic devices containing the
21 infringing memory chips to customers in this District and elsewhere in the United
22 States. Upon further information and belief, Nanya, as 100% owner of Nanya
23 USA, has been directing Nanya USA's sales activities. Upon information and
24 belief, Nanya also knew that said manufacturers of computers and other electronic
25 devices reside in this District and elsewhere in the United States, and would sell
26 devices containing the infringing memory chips to customers in this District and
27 elsewhere in the United States, and Nanya derived and continues to derive
28 substantial revenue therefrom.

VENUE

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

INTRADISTRICT ASSIGNMENT

9. Pursuant to Civil L.R. 3-2(c) and (e), the San Jose Division is the proper division to be assigned this action, based on Nanya USA's residence in Santa Clara County as well as Nanya and Nanya USA's infringing activities in Santa Clara County.

FUJITSU'S PATENTS

10. Fujitsu is the assignee and owner of the following United States patents ("Fujitsu's Patents"):

- a. U.S. Patent No. 4,801,989 ("the '989 patent", Exh. A hereto), entitled "Dynamic Random Access Memory Having Trench Capacitor With Polysilicon Lined Lower Electrode," which was duly and legally issued on January 31, 1989 to Masao Taguchi;
- b. U.S. Patent No. 6,104,486 ("the '486 patent", Exh. B hereto), entitled "Fabrication Process of a Semiconductor Device Using Ellipsometry," which was duly and legally issued on August 15, 2000 to Hiroshi Arimoto.
- c. U.S. Patent No. 6,292,428 B1 ("the '428 patent", Exh. C hereto), entitled "Semiconductor Device Reconciling Different Timing Signals," which was duly and legally issued on September 18, 2001 to Hiroshi Tomita and Tatsuya Kanda.
- d. U.S. Patent No. 6,320,819 B2 ("the '819 patent", Exh. D hereto), entitled "Semiconductor Device Reconciling Different Timing Signals," which was duly and legally issued on November 20, 2001 to Hiroshi Tomita and Tatsuya Kanda.

NANYA'S PATENTS

11. In a complaint filed by Nanya against Plaintiffs in Guam on September 13, 2006 (but not yet served), Civil Case No. 06-00025 ("the Guam Complaint"), Nanya purported to be the owner of all rights, title, and interest in and under the following United States patents ("Nanya's Patents"):

- a. U.S. Patent No. 6,790,765 ("the '765 patent", Exh. E hereto), titled "Method For Forming Contact";
- b. U.S. Patent No. 6,225,187 ("the '187 patent", Exh. F hereto), entitled "Method For STI-Top Rounding Control";
- c. U.S. Patent No. 6,426,271 ("the '271 patent", Exh. G hereto), entitled "Method Of Rounding The Corner Of A Shallow Trench Isolation Region."

12. The Guam Complaint asserts Nanya's Patents against Plaintiffs.

13. By virtue of Nanya's actions, Plaintiffs reasonably believe that Nanya imminently intends to pursue against them an infringement action involving Nanya's Patents.

14. Plaintiffs deny that they infringe any valid claim of any of the Nanya Patents.

15. An actual and justiciable controversy exists between Nanya and Plaintiffs concerning whether Plaintiffs infringe any valid claim of the Nanya Patents. Plaintiffs now seek a declaratory judgment that they do not infringe any valid claim of the Nanya Patents, and that the claims of the Nanya Patents are invalid.

FIRST CLAIM FOR RELIEF

(Infringement of the '989 Patent)

16. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-10 of this Complaint.

1 17. Nanya and Nanya USA have been and still are infringing one or
2 more claims of the '989 patent by making, using, offering for sale, selling and/or
3 importing into the United States memory chips and by causing use, offer for sale
4 and sale of computers and other electronic devices containing memory chips.
5 Infringing memory chips made, used, sold, offered for sale or imported by Nanya
6 and Nanya USA include at least Nanya's 256M DDR SDRAM (e.g., part no.
7 NT5D64M4AT). On information and belief, there are additional infringing
8 memory chips.

9 18. Nanya and Nanya USA's actions constitute infringement, active
10 inducement of infringement, and/or contributory infringement of the '989 patent in
11 violation of 35 U.S.C. § 271.

12 19. Fujitsu has sustained damages and will continue to sustain
13 damages as a result of the aforesaid acts of infringement.

14 20. Nanya and Nanya USA's continued infringement of the '989
15 patent has caused and will continue to cause Fujitsu irreparable harm unless
16 enjoined by the Court.

17 21. On information and belief, Nanya and Nanya USA's
18 infringements of the '989 patent have been willful.

19 **SECOND CLAIM FOR RELIEF**
20 **(Infringement of the '486 Patent)**

21 22. Plaintiffs re-allege and incorporate by reference herein each of
22 the averments set forth in paragraphs 1-10 of this Complaint.

23 23. Nanya and Nanya USA have been and still are infringing one or
24 more claims of the '486 patent by making, using, offering for sale, selling and/or
25 importing into the United States memory chips and by causing use, offer for sale
26 and sale of computers and other electronic devices containing memory chips.
27 Upon information and belief, infringing memory chips made, used, sold, offered
28 for sale or imported by Nanya and Nanya USA include at least the following:

1 512M DDR SDRAM; 512M DDR2 SDRAM; 256M DDR2 SDRAM; 1G DDR2
2 SDRAM; and SDRAM memory module products equipped with one or more of
3 the 512M DDR SDRAM; 512M DDR2 SDRAM; 256M DDR2 SDRAM; and 1G
4 DDR2 SDRAM .

5 24. Nanya and Nanya USA's actions constitute infringement, active
6 inducement of infringement, and/or contributory infringement of the '486 patent in
7 violation of 35 U.S.C. § 271.

8 25. Fujitsu has sustained damages and will continue to sustain
9 damages as a result of the aforesaid acts of infringement.

10 26. Nanya and Nanya USA's continued infringement of the '486
11 patent has caused and will continue to cause Fujitsu irreparable harm unless
12 enjoined by the Court.

13 27. On information and belief, Nanya and Nanya USA's
14 infringements of the '486 patent have been willful.

15 **THIRD CLAIM FOR RELIEF**

16 **(Infringement of the '428 Patent)**

17 28. Plaintiffs re-allege and incorporate by reference herein each of
18 the averments set forth in paragraphs 1-10 of this Complaint.

19 29. Nanya and Nanya USA have been and still are infringing one or
20 more claims of the '428 patent by making, using, offering for sale, selling and/or
21 importing into the United States memory chips and causing use, offer for sale and
22 sale of computers and other electronic devices containing memory chips.
23 Infringing memory chips made, used, sold, offered for sale or imported by Nanya
24 and Nanya USA include at least the 256M DDR SDRAM (e.g., part no.
25 NT5D64M4AT). On information and belief, Defendants' additional infringing
26 memory chips include at least the following: 128M DDR SDRAM; 512M DDR
27 SDRAM; 512M DDR2 SDRAM; 1G DDR2 SDRAM; 128M DDR SDRAM
28 Graphic (Elixir); 512M DDR SDRAM Graphic (Elixir); 256M DDR2 SDRAM

1 Graphic (Elixir); 512M DDR2 SDRAM Graphic (Elixir); 512M DDR UDIMM;
 2 1G DDR UDIMM; 512M DDR SODIMM; 1G DDR SODIMM; 512M DDR
 3 RDIMM; 1G DDR RDIMM; 2G DDR RDIMM; 256M DDR2 UDIMM; 512M
 4 DDR2 UDIMM; 1G DDR2 UDIMM; 2G DDR2 UDIMM; 256M DDR2
 5 SODIMM; 512M DDR2 SODIMM; 1G DDR2 SODIMM; 512M DDR2 RDIMM;
 6 1G DDR2 RDIMM; 2G DDR2 RDIMM; 512M DDR2 FBDIMM; 1G DDR2
 7 FBDIMM; 2G DDR2 FBDIMM; 512M DDR SDRAM SODIMM (Elixir); 128M
 8 DDR SDRAM Unbuffered DIMM (Elixir); 512M DDR SDRAM Unbuffered
 9 DIMM (Elixir); 1G DDR SDRAM Unbuffered DIMM (Elixir); 256M DDR2
 10 SDRAM SO DIMM (Elixir); 512M DDR2 SDRAM SO DIMM (Elixir); 1G DDR2
 11 SDRAM SO DIMM (Elixir); 256M DDR2 SDRAM Unbuffered DIMM (Elixir);
 12 512M DDR2 SDRAM Unbuffered DIMM (Elixir); 1G DDR2 SDRAM
 13 Unbuffered DIMM (Elixir); 512M DDR SDRAM SO DIMM (Super Elixir); 1G
 14 DDR SDRAM SO DIMM (Super Elixir); 128M DDR SDRAM Unbuffered DIMM
 15 (Super Elixir); 512M DDR SDRAM Unbuffered DIMM (Super Elixir); 1G DDR
 16 SDRAM Unbuffered DIMM (Super Elixir); 256M DDR2 SDRAM SO DIMM
 17 (Super Elixir); 512M DDR2 SDRAM SO DIMM (Super Elixir); 1G DDR2
 18 SDRAM SO DIMM (Super Elixir); 256M DDR2 SDRAM Unbuffered DIMM
 19 (Super Elixir); 512M DDR2 SDRAM Unbuffered DIMM (Super Elixir); and 1G
 20 DDR2 SDRAM Unbuffered DIMM (Super Elixir).

21 30. Nanya and Nanya USA's actions constitute infringement, active
 22 inducement of infringement, and/or contributory infringement of the '428 patent in
 23 violation of 35 U.S.C. § 271.

24 31. Fujitsu has sustained damages and will continue to sustain
 25 damages as a result of the aforesaid acts of infringement.

26 32. Nanya and Nanya USA's continued infringement of the '428
 27 patent has caused and will continue to cause Fujitsu irreparable harm unless
 28 enjoined by the Court.

33. On information and belief, Nanya and Nanya USA's infringements of the '428 patent have been willful.

FOURTH CLAIM FOR RELIEF

(Infringement of the '819 Patent)

34. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-10 of this Complaint.

35. Nanya and Nanya USA have been and still are infringing one or more claims of the '819 patent by making, using, offering for sale, selling and/or importing into the United States memory chips and causing use, offer for sale and sale of computers and other electronic devices containing memory chips. Infringing memory chips made, used, sold, offered for sale or imported by Nanya and Nanya USA include at least the 256M DDR SDRAM (e.g., part no. NT5D64M4AT). On information and belief, Defendants' additional infringing memory chips include at least the following: 128M DDR SDRAM; 512M DDR SDRAM; 512M DDR2 SDRAM; 1G DDR2 SDRAM; 128M DDR SDRAM Graphic (Elixir); 512M DDR SDRAM Graphic (Elixir); 256M DDR2 SDRAM Graphic (Elixir); 512M DDR2 SDRAM Graphic (Elixir); 512M DDR UDIMM; 1G DDR UDIMM; 512M DDR SODIMM; 1G DDR SODIMM; 512M DDR RDIMM; 1G DDR RDIMM; 2G DDR RDIMM; 256M DDR2 UDIMM; 512M DDR2 UDIMM; 1G DDR2 UDIMM; 2G DDR2 UDIMM; 256M DDR2 SODIMM; 512M DDR2 SODIMM; 1G DDR2 SODIMM; 512M DDR2 RDIMM; 1G DDR2 RDIMM; 2G DDR2 RDIMM; 512M DDR2 FBDIMM; 1G DDR2 FBDIMM; 2G DDR2 FBDIMM; 512M DDR SDRAM SODIMM (Elixir); 128M DDR SDRAM Unbuffered DIMM (Elixir); 512M DDR SDRAM Unbuffered DIMM (Elixir); 1G DDR SDRAM Unbuffered DIMM (Elixir); 256M DDR2 SDRAM SO DIMM (Elixir); 512M DDR2 SDRAM SO DIMM (Elixir); 1G DDR2 SDRAM SO DIMM (Elixir); 256M DDR2 SDRAM Unbuffered DIMM (Elixir); 512M DDR2 SDRAM Unbuffered DIMM (Elixir); 1G DDR2 SDRAM

1 Unbuffered DIMM (Elixir); 512M DDR SDRAM SO DIMM (Super Elixir); 1G
2 DDR SDRAM SO DIMM (Super Elixir); 128M DDR SDRAM Unbuffered DIMM
3 (Super Elixir); 512M DDR SDRAM Unbuffered DIMM (Super Elixir); 1G DDR
4 SDRAM Unbuffered DIMM (Super Elixir); 256M DDR2 SDRAM SO DIMM
5 (Super Elixir); 512M DDR2 SDRAM SO DIMM (Super Elixir); 1G DDR2
6 SDRAM SO DIMM (Super Elixir); 256M DDR2 SDRAM Unbuffered DIMM
7 (Super Elixir); 512M DDR2 SDRAM Unbuffered DIMM (Super Elixir); and 1G
8 DDR2 SDRAM Unbuffered DIMM (Super Elixir).

9 36. Nanya and Nanya USA's actions constitute infringement, active
10 inducement of infringement, and/or contributory infringement of the '819 patent in
11 violation of 35 U.S.C. § 271.

12 37. Fujitsu has sustained damages and will continue to sustain
13 damages as a result of the aforesaid acts of infringement.

14 38. Nanya and Nanya USA's continued infringement of the '819
15 patent has caused and will continue to cause Fujitsu irreparable harm unless
16 enjoined by the Court.

17 39. On information and belief, Nanya and Nanya USA's
18 infringements of the '819 patent have been willful.

19 **FIFTH CLAIM FOR RELIEF**

20 **(Declaratory Judgment of Noninfringement regarding the '765 Patent)**

21 40. Plaintiffs re-allege and incorporate by reference herein each of
22 the averments set forth in paragraphs 1-15 of this Complaint.

23 41. Plaintiffs are not directly infringing, contributorily infringing,
24 or actively inducing others to infringe any valid claim of the '765 patent as
25 properly construed.

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SIXTH CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity regarding the '765 Patent)

42. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

43. The '765 patent is invalid for failing to satisfy the conditions for patentability set forth in Title 35 of the United States Code, including but not limited to sections 102, 103, and/or 112.

SEVENTH CLAIM FOR RELIEF

(Declaratory Judgment of Noninfringement regarding the '187 patent)

44. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

45. Plaintiffs are not directly infringing, contributorily infringing, or actively inducing others to infringe any valid claim of the '187 patent as properly construed.

EIGHTH CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity regarding the '187 patent)

46. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

47. The '187 patent is invalid for failing to satisfy the conditions for patentability set forth in Title 35 of the United States Code, including but not limited to sections 102, 103, and/or 112.

NINTH CLAIM FOR RELIEF

(Declaratory Judgment of Noninfringement regarding the '271 patent)

48. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

49. Plaintiffs are not directly infringing, contributorily infringing, or actively inducing others to infringe any valid claim of the '271 patent as properly construed.

TENTH CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity regarding the '271 patent)

50. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

51. The '271 patent is invalid for failing to satisfy the conditions for patentability set forth in Title 35 of the United States Code, including but not limited to sections 102, 103, and/or 112.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays that this Court enter judgment in its favor and against Defendants and grant the following relief:

- A. A preliminary and permanent injunction preventing further infringement, contributory infringement and inducement of infringement of Fujitsu's Patents;
- B. An accounting to determine damages for infringement;
- C. An award of damages for infringement;
- D. An assessment and award of interest, including pre-judgment interest, on the damages determined;
- E. A trebling of those damages pursuant to 35 U.S.C. § 284;
- F. A declaration that Plaintiffs do not infringe any valid claim of any of the Nanya Patents.
- G. A declaration that the claims of the Nanya Patents asserted against Plaintiffs are invalid.
- H. A finding that this is an exceptional case and an award of Plaintiffs' costs and attorney fees; and
- I. Such other and further relief as this Court deems just and proper.

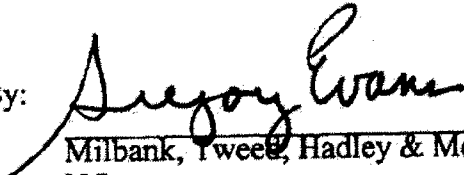
DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all claims and all issues properly triable thereby.

Respectfully submitted,

Dated: October 23, 2006

By:


Milbank, Tweed, Hadley & McCloy
LLP

Gregory Evans (State Bar No.
147623)

601 South Figueroa Street, 30th Floor
Los Angeles, California 90017

Telephone: (213) 892-4000

Facsimile: (213) 629-5063

Milbank, Tweed, Hadley & McCloy
LLP

Christopher E. Chalsen

Michael M. Murray

Lawrence T. Kass

Frank A. Bruno

1 Chase Manhattan Plaza

New York, NY 10005

Telephone: (212) 530-5000

Facsimile: (212) 530-5219

Attorneys for Plaintiffs
FUJITSU LIMITED and
FUJITSU MICROELECTRONICS
AMERICA, INC.

LAL: #6334633

JS-44 - CANDO (Rev. 11/84)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I. (a) PLAINTIFFS

FUJITSU LIMITED, a Japanese Corporation, and FUJITSU MICROELECTRONICS AMERICA, INC., a California Corporation

DEFENDANTS

NANYA TECHNOLOGY CORP., a Taiwanese Corporation, and NANYA TECHNOLOGY CORP. U.S.A., a California Corporation

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

Japan

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Gregory Evans, Milbank, Tweed, Hadley & McCloy LLP, 601 South Figueroa St., Los Angeles, CA 90017 (213) 892-4000

ATTORNEYS (IF KNOWN)

C06 06613 EDL

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item 1B)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☐ 1 PTF ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 PTF ☐ 4 DEF
- Citizen of Another State ☐ 2 PTF ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 PTF ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF Foreign Nation ☐ 6 PTF ☐ 6 DEF

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ Original Proceeding ☐ Removed from State Court ☐ Remanded from Appellate Court ☐ Remanded or Reopened ☐ Transferred from Another district (specify) ☐ Multidistrict Litigation ☐ Appeal to Circuit Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Indemnification of Judgment <input type="checkbox"/> 160 Mediation Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Educ. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders Suits <input type="checkbox"/> 200 Other Contract <input type="checkbox"/> 210 Contract Product Liability <input type="checkbox"/> 220 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employees Liability <input type="checkbox"/> 340 Media <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Need Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Theft in Landmark <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 410 Agriculture <input type="checkbox"/> 420 Other Food & Drug <input type="checkbox"/> 425 Drug Related Suits of Property 21 USC 881 <input type="checkbox"/> 430 Liquor Laws <input type="checkbox"/> 440 RR & Truck <input type="checkbox"/> 450 Airline Regs <input type="checkbox"/> 455 Commercial Safety/Health <input type="checkbox"/> 460 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 730 Labor/Management Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 751 Empl./Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 430 Copyrights <input type="checkbox"/> 435 Patent <input type="checkbox"/> 440 Trademark SOCIAL SECURITY <input type="checkbox"/> 441 SSA (1935) <input type="checkbox"/> 442 Black Lung (933) <input type="checkbox"/> 443 Social Security (405)(a) <input type="checkbox"/> 444 Social Security (405)(b) <input type="checkbox"/> 445 Social Security (405)(c) FEDERAL TAX SUITS <input type="checkbox"/> 470 Tax (US Plaintiff or Defendant) <input type="checkbox"/> 471 US - Third Party 28 USC 762	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 450 Worker and Employer <input type="checkbox"/> 460 Commercial/Consumer <input type="checkbox"/> 465 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 475 Securities Services <input type="checkbox"/> 480 Securities/Commodities/Exchange <input type="checkbox"/> 475 Customer Challenge 12 USC 3410 <input type="checkbox"/> 481 Agricultural Act <input type="checkbox"/> 482 Economic Stabilization Act <input type="checkbox"/> 483 Environmental Matters <input type="checkbox"/> 484 Energy Allocation Act <input type="checkbox"/> 485 Freedom of Information Act <input type="checkbox"/> 486 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 487 Constitutionality of State Statutes <input type="checkbox"/> 488 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 250 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Other Civil Rights <input type="checkbox"/> 446 Federal Anti-Smoking - Emp <input type="checkbox"/> 447 Federal Anti-Smoking - Other <input type="checkbox"/> 448 Consumer Credit <input type="checkbox"/> 449 Cable/Satellite TV	PRISONER PETITIONS <input type="checkbox"/> 610 Motion to Vacate Sentence Habeas Corpus <input type="checkbox"/> 620 General <input type="checkbox"/> 630 Death Penalty <input type="checkbox"/> 640 Imprisonment & Other <input type="checkbox"/> 650 Civil Rights <input type="checkbox"/> 660 Prison Conditions		

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. Sec. 1331 (Federal Question); 28 U.S.C. Sec. 1338(a) (Patent Infringement); 28 U.S.C. Sec. 2201(a) (Declaratory Judgment), Action for Patent Infringement; and Declaratory Judgment of Non-Infringement of Patents and/or Invalidity of Patents

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ ☐ CHECK YES only if demanded in complaint.

UNDER F.R.C.P. 23

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND☒ SAN JOSE

DATE

October 23, 2006

SIGNATURE OF ATTORNEY OF RECORD

Gregory Evans

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

E-FILING

ADR

FUJITSU LIMITED, and FUJITSU
MICROELECTRONICS AMERICA, INC.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C06 06613 EDL

V.

NANYA TECHNOLOGY CORP., and NANYA
TECHNOLOGY CORP. U.S.A.

TO: (Name and address of defendant)

NANYA TECHNOLOGY CORP. U.S.A.
675 East Brokaw Road
San Jose, CA 95112

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Christopher E. Chelsen, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10017
(212) 530-5219 (facsimile)

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wicking
CLERK

DATE **OCT 14 2006**

Richard W. Wicking
(BY) DEPUTY CLERK

United States District Court **ADR**
NORTHERN DISTRICT OF CALIFORNIA

FUJITSU LIMITED, and FUJITSU
MICROELECTRONICS AMERICA, INC.

SUMMONS IN A CIVIL CASE
CASE NUMBER:

V.
NANYA TECHNOLOGY CORP., and NANYA
TECHNOLOGY CORP. U.S.A.

C06 06613
EDL

TO: (Name and address of defendant)

NANYA TECHNOLOGY CORP.
Hwa-Ya Technology Park 669
Fu Hsing 3rd Rd.
Kueishan, Taoyuan
Taiwan, Republic of China

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address).

Christopher E. Chelsen, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10017
(212) 530-5219 (facsimile)

an answer to the complaint which is herewith served upon you, within 40 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wiekma

CLERK

OCT 24 2006

DATE

(BY) DEPUTY CLERK

EXHIBIT C



US006790765B1

(12) **United States Patent**
Huang et al.

(10) **Patent No.:** **US 6,790,765 B1**
(45) **Date of Patent:** **Sep. 14, 2004**

(54) **METHOD FOR FORMING CONTACT**

(75) Inventors: **Tse-Yao Huang**, Taipei (TW); **Yi-Nan Chen**, Taipei (TW); **Hui-Min Mao**, Taipei (TW)

(73) Assignee: **Nanya Technology Corporation**, Taoyuan (TW)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **10/720,275**

(22) Filed: **Nov. 25, 2003**

(51) Int. Cl.⁷ **H01L 21/4763**

(52) U.S. Cl. **438/622; 438/258; 438/637**

(58) Field of Search **438/622, 257, 438/258, 637, 638, 639, 620, 621**

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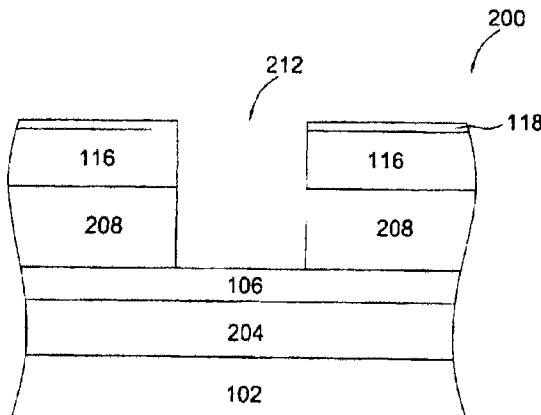
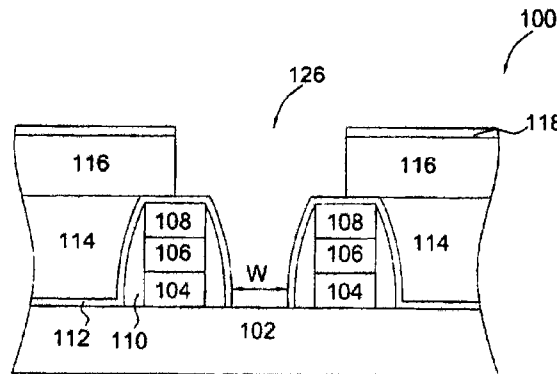
Primary Examiner—Tuan H. Nguyen

(74) *Attorney, Agent, or Firm*—Birch, Stewart, Kolasch & Birch, LLP

(57) **ABSTRACT**

A method for forming contacts on a semiconductor device is provided. The method includes steps of forming an opening on a gate contact area, depositing a dielectric layer on a bit-line contact area and the opening, coating a photoresist to etch the dielectric layer, removing the photoresist and finally forming a conductive layer on a bit-line contact opening and a gate contact opening.

14 Claims, 9 Drawing Sheets



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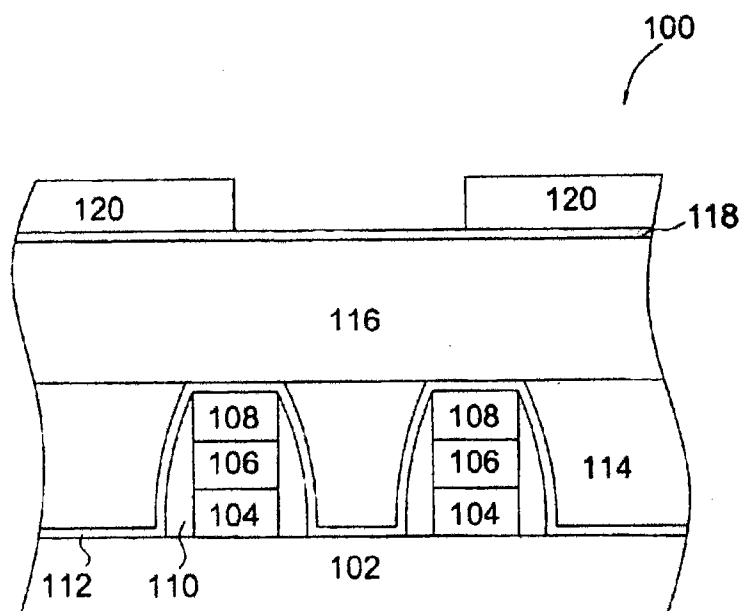


Fig.1A(prior art)

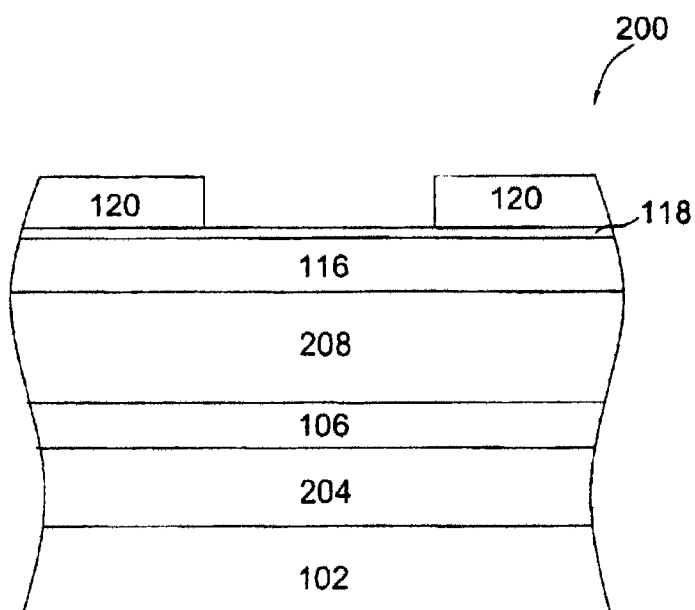


Fig.1B(prior art)

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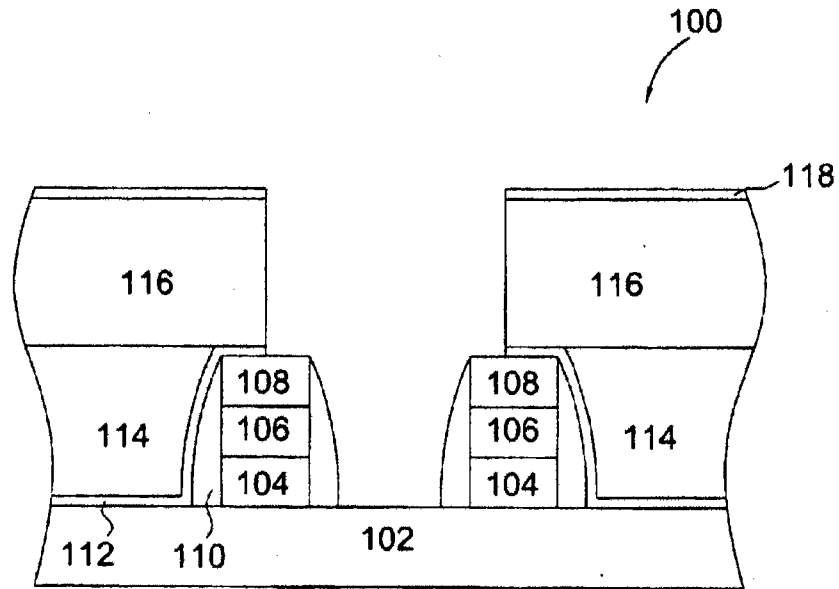


Fig. 2A(prior art)

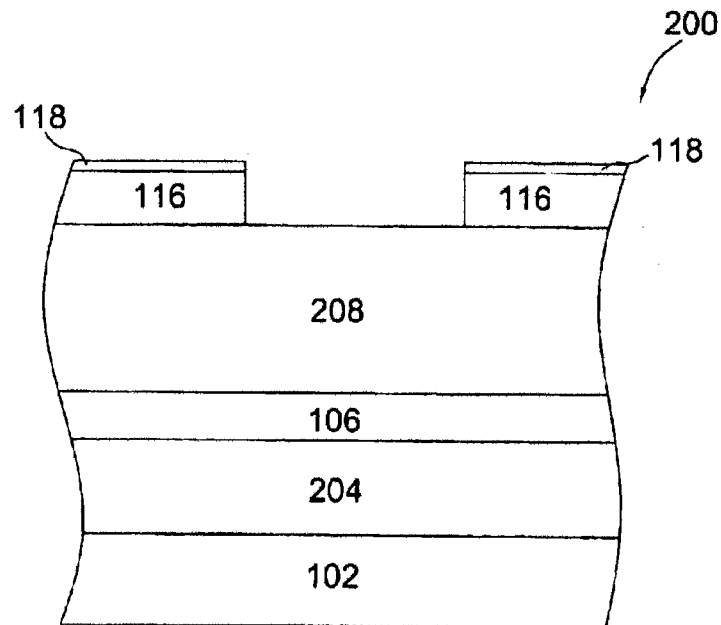


Fig. 2B(prior art)

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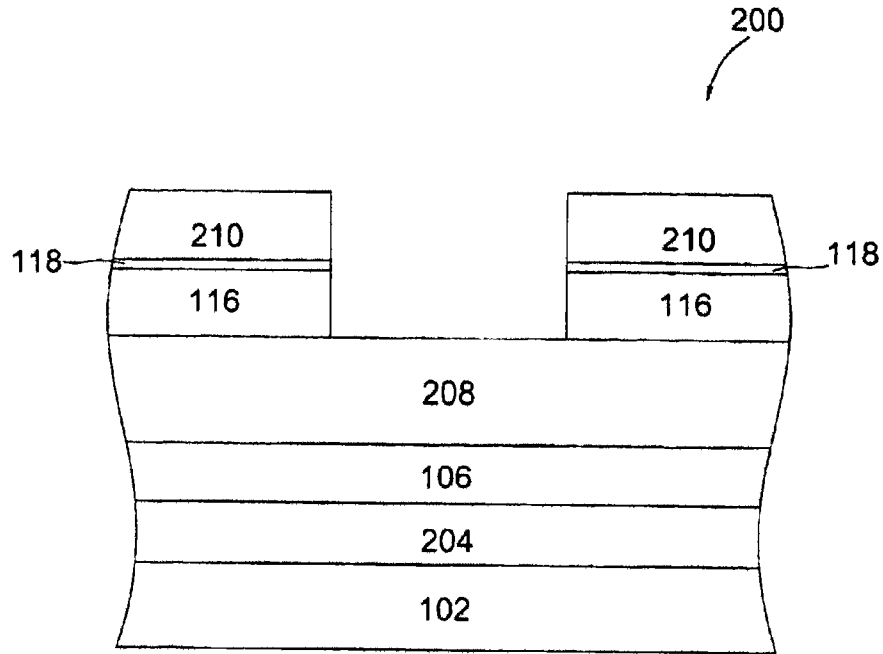


Fig. 3A(prior art)

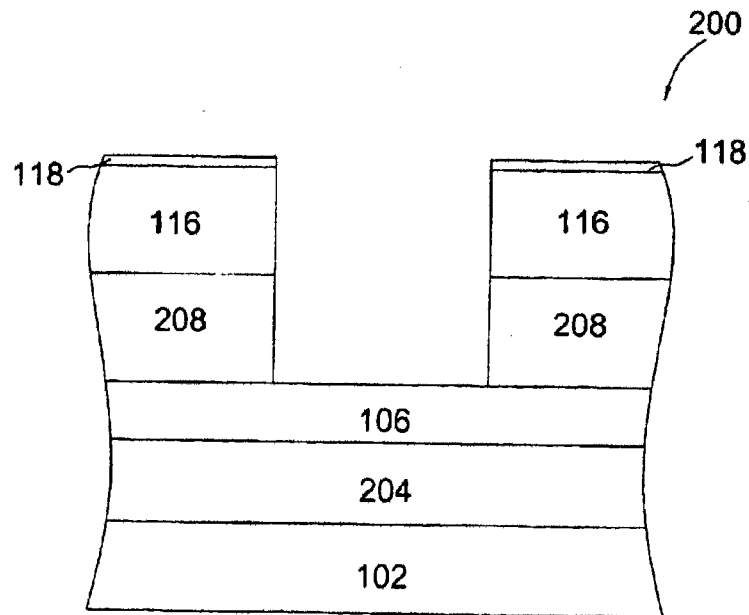


Fig. 3B(prior art)

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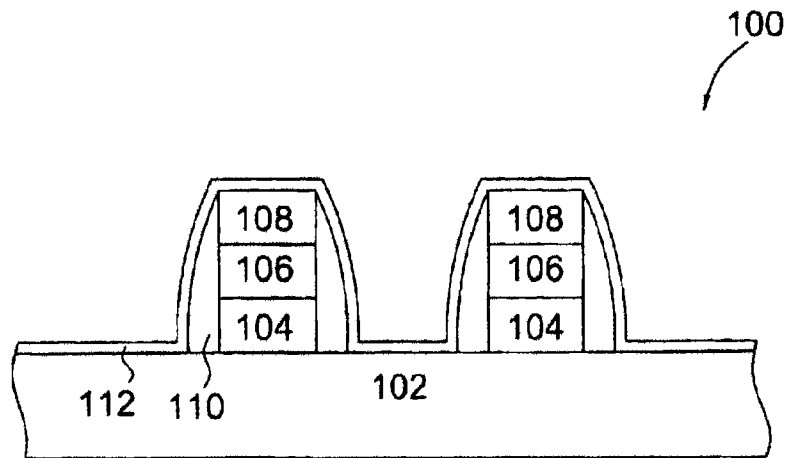


Fig.4A

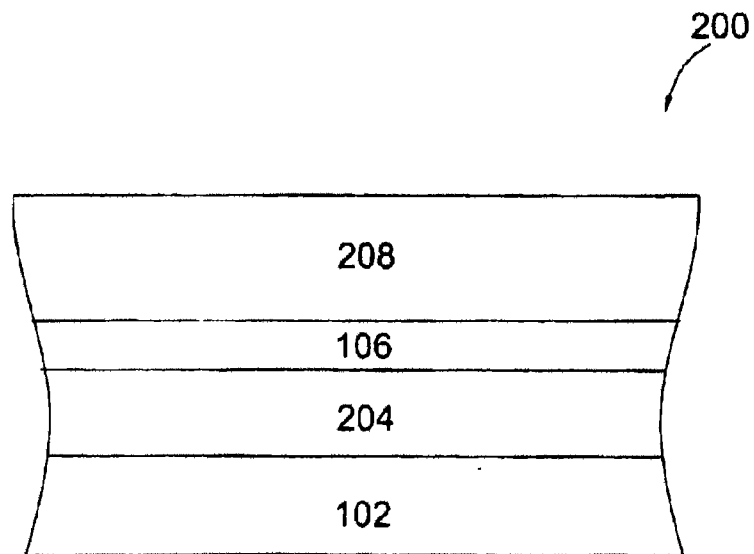


Fig.4B

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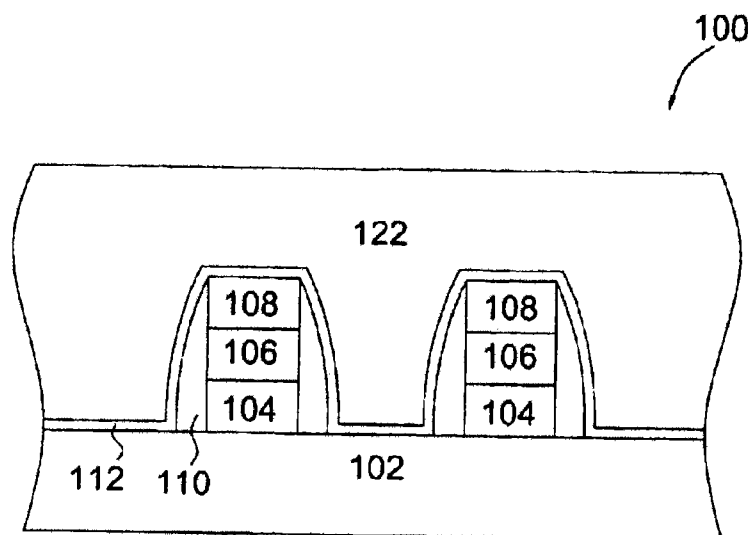


Fig.5A

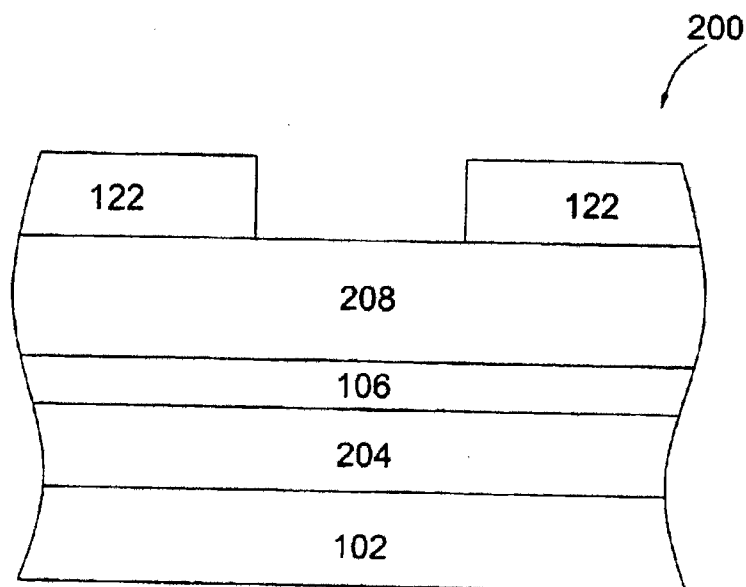


Fig.5B

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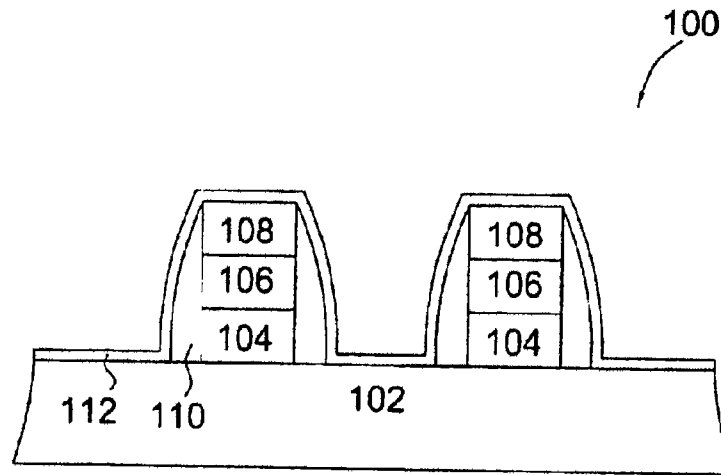


Fig. 6A

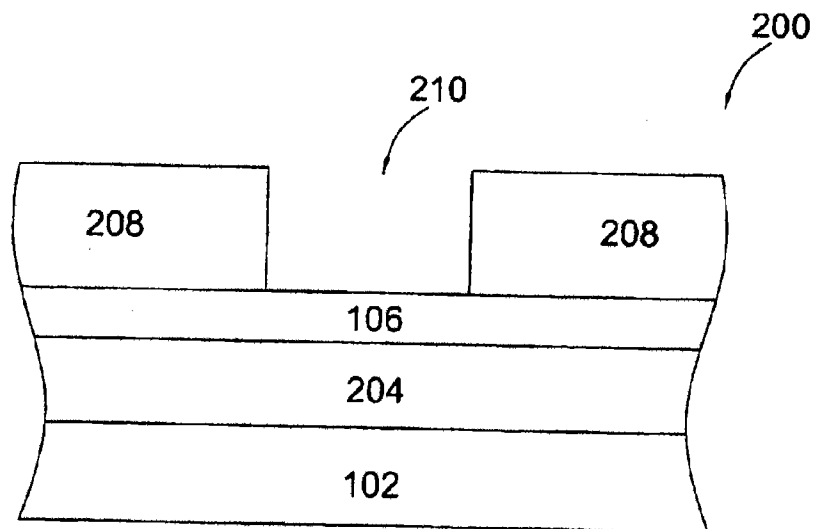


Fig. 6B

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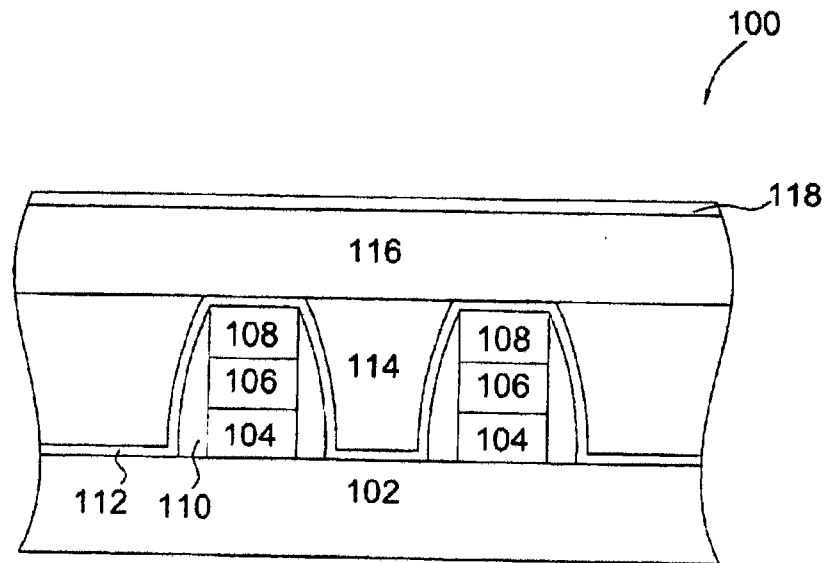


Fig. 7A

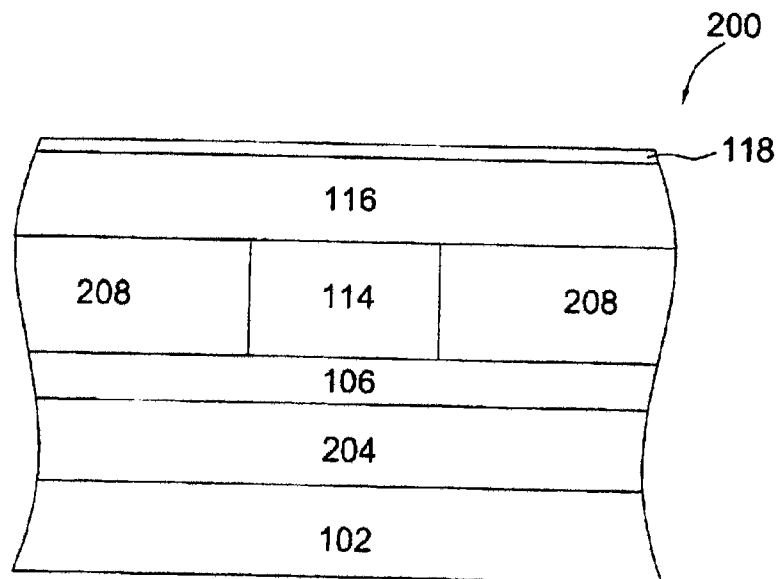


Fig. 7B

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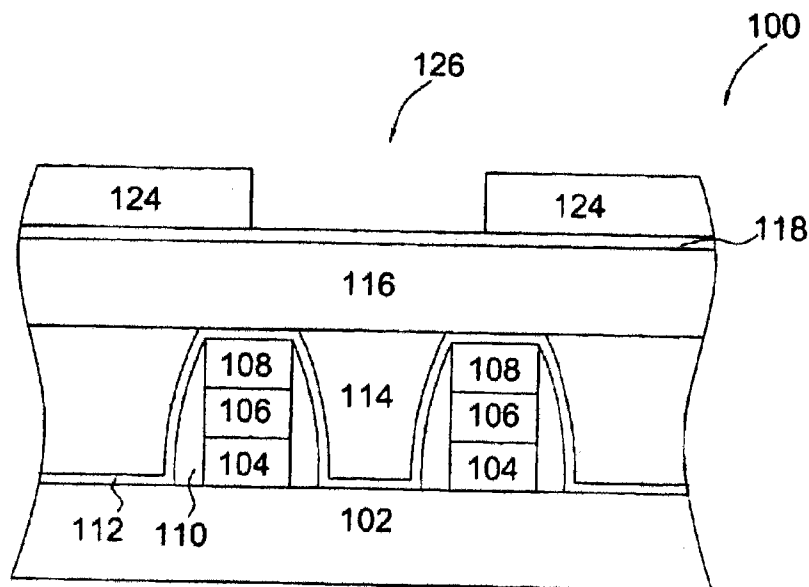


Fig.8A

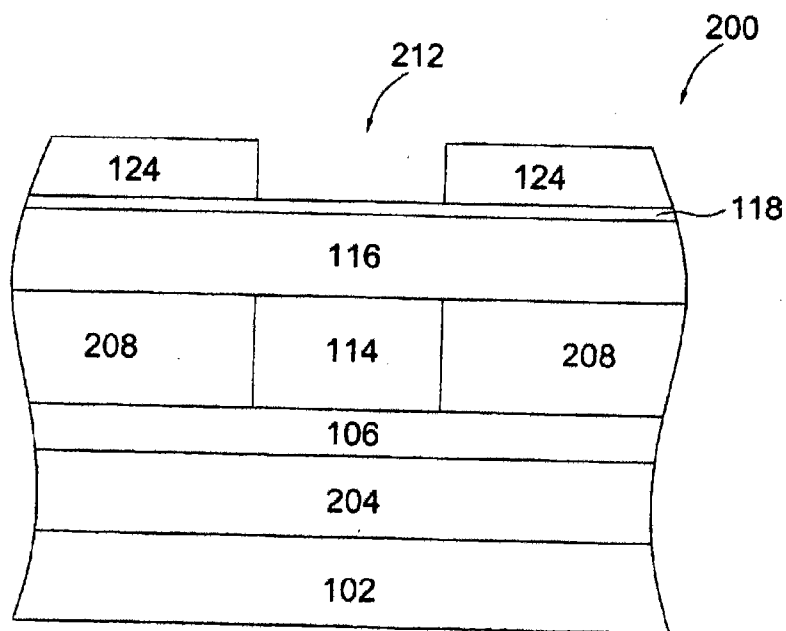


Fig.8B

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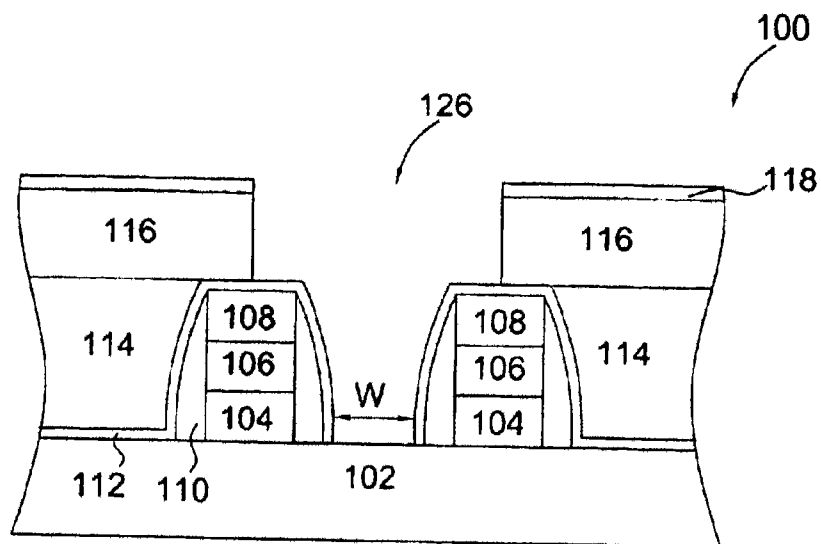


Fig.9A

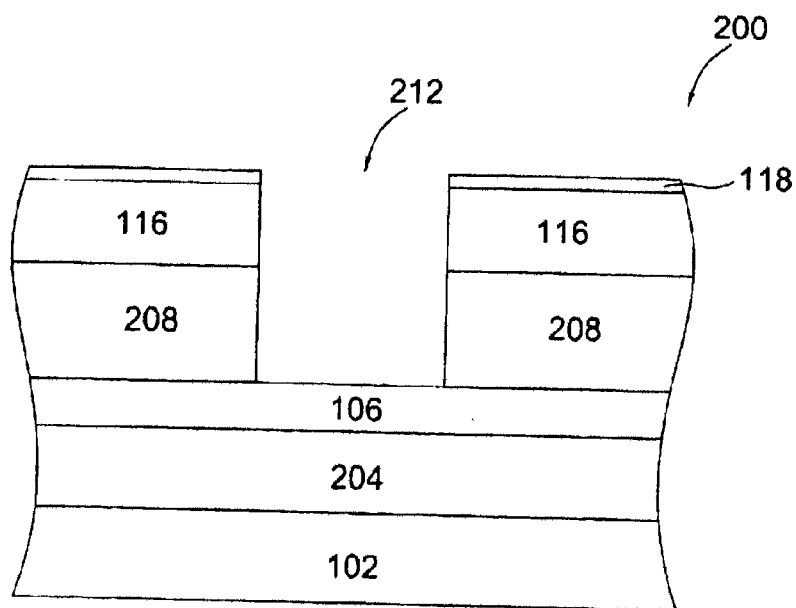


Fig.9B